

Remarks

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

The applicant acknowledges, with appreciation, the indication of the allowability of claims 5 and 6. By the present amendment, claims 5 and 6 are amended to address the concerns of the Examiner. It is believed that claims 5 and 6 are now in condition for allowance and allowance for these claims is respectfully requested.

Turning to other amendments presented herein, it should be noted that claims 7-36 are cancelled. The cancellation of these claims is without prejudice or disclaimer so that these claims may be pursued in one or more divisional patent applications.

Turning to the rejection of claims in view of 35 U.S.C. §112, as mentioned, it is believed that the amendments to claims 5 and 6 address those issues respectively. Similarly, it is believed that the amendments to claim 2 will address the respective issues. Accordingly, it is respectfully requested that the rejection of claims under 35 U.S.C. §112 be withdrawn.

Turning to the rejection of claims under 35 U.S.C. §102 in view of the patent to McIntyre (U.S. Patent No. 6,809,301), it is noted that the previous "wherein" clauses were not given patentable weight. Along these lines, it is to be appreciated that the McIntyre patent does not disclose the aspects that were set forth within the "wherein" clauses. This can be easily discerned by the presentation within the Office action and the content of the McIntyre patent itself.

In order to address the concerns of the Examiner and to clearly set forth these patentable distinctions over the McIntyre patent, the claims have been amended to positively recite these aspects in a structural format. Accordingly, it is believed that claims 1 and 2 are allowable over the McIntyre patent.

Appl. No. 10/822,456
Amdt. dated October 10, 2005
Reply of Office action of July 12, 2005

In addition, new claims 37-40 are added. These claims clearly present structure that is not present in the McIntyre patent. Accordingly, it is believed that these claims are allowable over the McIntyre patent.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance and allowance of the application is respectfully requested.

If, for some unforeseen reason, the Examiner perceives some issue that prevents immediate allowance of the subject application, the Examiner is explicitly invited to contact the undersigned attorney so that such issue may be addressed promptly to aid and in moving the application toward allowance is a swift and expedient manner.

If there are any fees resulting from this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. 35484US1.

Respectfully submitted,
PEARNE & GORDON LLP



Ronald M. Kachmarik, Reg. No. 34512

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108

216-579-1700

October 10, 2005